# THE SALT LAKE HERALD.

LAST EDITION WEATHER FOR SALT LAKE.

ESTABLISHED JUNE 6, 1870.

SALT LAKE CITY, UTAH, THURSDAY, AUGUST 13, 1903

PRICE FIVE CENTS.

## ELKS FORM A STATE UNION

Delegates Were Present From Dispatch From British Consu Throughout Utah.

DAY AT SALT PALACE.

STATE organization of the B. P. afternoon by the election of officers and the adoption of a set of resonext annual meeting will be held at

The convention was held in the lodge room of the local lodge of Elks on South State street. It was attended by delegates from every lodge in the state with the exception of Eureka. The members of that lodge did not attend members of that lodge did not attend owing to a misunderstanding at the last minute as regards the special rates offered by the railroads to the Elks for their state occupention yesterday, and the "Purple Day" celebration today. The Tintic district Elks sent down word yesterday that they would arrive in the city today to the city today. arrive in the city today to participate in the festivities of the "Purple Day."

Convention Met at 2 O'clock.

The Park City Elks were the first to Tuesday night. They came early to root for their camp as the 1904 convention city. The delegates from the other odges north and south arrived at dif-

ferent hours yesterday.

The convention met at 2 o'clock, and at 5 o'clock adjourned to meet at Provo next year. At 8 o'clock the local Elks, delegates to the convention and visiting Elks gave an illuminated parade, the column traversing the business secthe column traversing the business sec-tion of the city. At its conclusion the local Elks entertained the visitors at the club. Today all will join hands in a jollification at the Salt Palace, which will begin with a street parade at 1

convention was called to order by District Deputy Grand Exalted Ruler Joseph Enzensperger. Then the

Resolutions-E. D. R. Thompson, Salt Lake, chairman; C. A. Beghtol, Ogden; C. A. Blocher, Park City; F. Borkman,

Transportation-Joseph O. Nystrom, Salt Lake; George W. Corse, Ogden; C. F. Goist, Park City; Edward Pike, Eureka; M. M. Warner, Provo.

## Delegates in Attendance.

After the appointment of the committees a recess was taken to enable them to formulate their reports. The credential committee reported no delegates from Eureka owing to the mis-understanding as regards transporta-tion. The delegates from the other

Salt Lake—L. D. Freed, M. E. Mulvey, C. H. Heritage, P. P. Christensen, James Deviae, H. M. Kahn, Ralph Guthrie, W. P. Lynn, L. G. Ransohoff, Thomas Homer, J. S. Critchlow, Jacob Thomas Homer, J. S. Critchlow, Jacob Moritz, L. R. Rogers, C. S. Ford, J. O. Nystrom, F. L. Gardner, W. H. Tremayne, Joseph Lippman, B. F. Redman, E. D. R. Thompson, A. W. Raybould, L. F. Harr, J. C. Leary, G. W. Silks, Ben D. Luce, J. J. Greenewald, C. B. Diehl, H. Bamberger, G. R. Cleaveland, C. J. Geary.

Provo—M. M. Warner, C. O. Newall, Charles Shepard, W. H. Wilson, Leon Bachman, W. B. Searle, Samuel Schwab, J. N. Gulick, J. W. Bates, J. R. Twelves, Felix Bachman, J. H. Denhalter, Phil Speckart, T. T. Davis, Josiah Beck, Ogden—G. H. Cross, E. P. Jones, W.

Ogden-G. H. Cross, E. P. Jones, W. O. Stanley, W. A. Overbeck, A. G. Horn, A. T. Hestmark, T. W. Jones, T. C. Foley, C. A. Beghtol, J. H. Knauss, A. H. Saunders, J. H. Line-

Park City-J. W. Quinn, Jim Don, R. Weeter, R. E. Wight, J. M. Lock-hart, L. B. Wight, G. W. Gulliver, B. M. Sperry, J. W. Geiger, Isaac Gregg,
C. R. Drake, C. A. Blocker, H. W.
Deighton, H. Campbell, S. L. Raddon,
F. J. Alexander, M. J. Dailey, Dr.
Wherritt, Robert Parry, W. L. Willoughby, C. M. Wilson, J. W. Middeau.
RESOLUTIONS ADOPTED.
The report of resolutions committee.

The report of resolutions committee came next. It was unanimously adopt-

ed, and is as follows: Your committee on resolutions respectfully submits the following resolutions for

fully submits the following resolutions for your consideration:

We reaffirm our allegiance and devotion to the four great cardinal principles of this great order, to-wit, charity, justice, brotherly love and fidelity, and we congratulate our brethren throughout the United States and particularly throughout the state of Utah on the growth of our order and the increasing influence of these principles, so conducive to feelings of brotherhood, and to a higher citizenship.

at while our organization is charitable

That while our organization is charitable and fraternal, it is also patriotic, its membership being composed exclusively of American citizens, and it feels a deep interest in all that tends to promote "good will among men" and the peace and good order of society. Therefore, be it resolved:

1. That this association be called the Utah Elks' association. That the membership in this association be composed of lodges instituted and existing in the state of Utah. That all lodges of this order which may hereafter be instituted may become members of this association by complying with its rules of government.

2. That the elective officers of this association shall be a president, vice-president, secretary and treasurer and an executive committee composed of one member from each lodge belonging to the association except on the secretary and treasurer and an executive committee composed of one member from each lodge belonging to the association except on the secretary and treasurer and an executive committee composed of one member from each lodge belonging to the association except of the secretary and treasurer and an executive committee composed of one member from each lodge belonging to the association and the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and treasurer and an executive committee composed of the secretary and trea

(Continued on Page Two.)

## MASSACRE OF RUSSIAN JEWS

General at Odessa.

MEET AT PROVO IN 1904 BARBARITIES WERE PLANNED

O. Elks was perfected yesterday afternoon by the election of the B. P. I ONDON, Aug. 12.—A dispatch from the British consul general at Odesafternoon by the election of the B. P. I on Don, Aug. 12.—A dispatch from the British consul general at Odesafternoon by the election of the B. P. I on Don, Aug. 12.—A dispatch from the British consul general at Odesafternoon by the election of the B. P. I on Don, Aug. 12.—A dispatch from the British consul general at Odesafternoon by the election of the B. P. I on Don, Aug. 12.—A dispatch from the British consul general at Odesafternoon by the election of the B. P. I on Don, Aug. 12.—A dispatch from the British consul general at Odesafternoon by the election of the B. P. I on Don, Aug. 12.—A dispatch from the British consul general at Odesafternoon by the election of the British consul general at Odesafternoon by the election of the British consul general at Odesafternoon by the election of the British consul general at Odesafternoon by the election of the British consul general at Odesafternoon by the election of the British consul general at Odesafternoon by the election of the British consul general at Odesafternoon by the election of the British consul general at Odesafternoon by the election of the British consul general at Odesafternoon by the election of the British consul general at Odesafternoon of the British consul ge lutions which will form the basis of a was sent specially to set of by-laws and a constitution. The Jewish riots there, is published today. Provo, the date to be decided upon dated July 26, generally agrees with the this winter by the executive committhe Associated Press. It says:

"The area of the disturbances comprised two-thirds of the town of Kishineff. The murders all occurred on Monday, the second day of the distur-bances. They were perpetrated by bands of rioters in different parts of the town. Many believe they were the work of organized companies which fact argues in favor of a prearranged conspiracy to exterminate the Jews.

Various Causes.

Various Causes.

"If this belief is not accepted the riots must be attributed to the articles in the Bessarabetz, the anti-Semitic organ in Kishineff, to the unfounded report of the Jewish murder of a Christian priest, to the wine drunk early on Monday and to the belief which seems to have grown with the continued inaction of the authorities, that the latter wished the Jews to be massacred or had even ordered it. Apparently, a feeling existed among the lower classes that the Jews ought not to be in a majority in Kishineff.

"The local authorities took no effective step to stop the riots. The soldlers were passive if not sympathetic spectators. The police contented themselves with the arrest of minor criminals until 4 o'clock in the afternoon, when the governor, who had remained at home telephoning orders which were disregarded, at length ventured to sign the necessary order for the troops 10

disregarded, at length ventured to sign the necessary order for the troops to be employed. The one case I heard of in which the latter used their weapons they bayonetted a Christian who was rursuing a Jew with stones. This boy was the only Christian killed during the disturbances. If resolute action had

PORT ANTOS:10 OVERWHELMED

they somewhold by Markey and the convention, which consumed the convention of the street of the convention, which consumed the convention of the street and the street and the convention of the street and the convention the street and the convention of the street and the street and the street and the convention of the street and th

Situation Improving.

the town was resumed. A new comer visiting the Jewish quarter can see no signs of a stoppage of business and it is hoped that Jewish commercial affairs are in a fair way to regain their pros-perity, though they have not yet en-tirely recovered. The Jews place their losses at two million roubles, but this dred and sixty rioters will be tried at Tiaraspol in October, of which number 100 are charged with murder in addition to other crimes. found guilty they will be sentenced to penal servitude on the island of Sak-

court several days ago. The Heinze people claim their status as regards the Minnie Healy is the same as before the first trial and the first injunction is not in force. The Minnie Healy is one of the richest mines in Butte.

### MURDER MYSTERY OF FORTY YEARS' STANDING

playing in a raspberry patch yesterday been no reports up to tonight of any discovered the skeleton of the unknown murderer of James McLaughlin, and cleared a mystery of forty years' standing. McLaughlin was keeper of a resort and was shot and his body carried off by his murderer. A posse later recovered McLaughlin's body, but could appears to have been streament of the provinces of Cuba, there have meeting was held tonight on the main street, because there was no hall in cown large enough to accommodate the crowd. Major R. W. Young of Salt crops and small buildings in the provinces of Cuba, there have meeting was held tonight on the main street, because there was no hall in cown large enough to accommodate the crowd. Major R. W. Young of Salt crops and small buildings in the provinces of Cuba, there have been no reports up to tonight of any street, because there was no hall in cown large enough to accommodate the crowd. Major R. W. Young of Salt Cake City, Mark Austin, Judge C. L. Street, because there was no hall in cown large enough to accommodate the crowd. Major R. W. Young of Salt Cake City, Mark Austin, Judge C. L. Street, and the provinces of Cuba, there have been no reports up to tonight of any street, because there was no hall in cown large enough to accommodate the crowd. Major R. W. Young of Salt Cake City, Mark Austin, Judge C. L. Street, and the provinces of the p sort and was shot and his body carried crops and small buildings in the provoff by his murderer. A posse later recovered McLaughlin's body, but could appears to have been strongest. Cable find no trace of the murderer. The skeleton was identified by a curiously



CELEBRATE "PURPLE DAY" TO- OFFICIALS DID NOT ATTEMPT TO INTERFERE.

> the British consul, V. Bosanquet, who Mr. Bosanquet's report, which is stories of the occurrences cabled to

Mr. Bosanquet pays a tribute to Prince Urusoff, the new governor of Bessarabla, who, he says, helped him with every means in his power.

"On the arrival of the new governor who is doing all he can to gain the confidence of the Jewish population," adds the vice consul, "matters began to improve and the commercial life of the town was resumed. A new comer the town was resumed. A new comer the town was resumed. A new comer to make the fruit trade is particular to fine the first trade is particular to first trade is particular trade in the first trade in the first trade is particular trade in the first trade in the first trade in the first trade is particular trade in the first trade in the complete, and the fruit trade is par-alyzed for the next tweive months. Hundreds of prosperous fruit growers have been brought to bankruptcy and The western end of the island, which

it was at first supposed had escaped, also suffered considerably. New bainderstanding as regards transportaion. The delegates from the other
odges who attended, as reported by
the credentials committee, follow:

"About take I. D. Freed M. F. Mill."

"See at two filling follows, but this
figure is probable an exaggeration.
"About 880 rioters were arrested and
308 were punished on minor charges,
while 216 were acquitted. Three huncoffee crops were also injured. coffee crops were also injured.

The Norwegian steamer Salvatore di

Giorgy, was driven ashore at Annotta bay and lies in a dangerous position. to akand lies in a dangerous position. Several sailing vessels were wrecked on the north side. It is still stormy and threatening and there are fears that there may be a renewal of the storm. Thousands of houses in Kingston were damaged, the wharves were battered and several coasting years. ENFORCE COURT'S ORDER battered and several coasting vessels were sunk in the harbor. Trade is practically at a standstill.

LIFE REPORTED

Crops Ruined.

The southeastern portion of the island has been practically denuded of its erops, the rivers are flooded, and many men were carried out to sea and drowned. Considering the damage to property during the hurricane the loss of life was comparatively and life was comparatively of life was comparatively small, though the present estimate is that the death list will reach fifty. Hundreds of persons were injured and there were numerous hair-breadth escapes. The property loss is estimated at \$10,000,-

Storm Off Cuban Coast.

Havana, Aug. 12.-While high winds ornamented revolver which lay beside tion of Jamaica, Martinique, Guada-the remains.

## GENERAL MILES CHEERED AS OUR NEXT DEMOCRATIC PRESIDENT Negro Strung Up But Cut Down by

## ASYLUM MANAGEMENT BLAMED PUT OUT OF THE CASE Colorado District Attorney Sus-

THEY'RE OFF!

"Bob" Meeks Allowed a Large Degree of Liberty Although the Desperate Character of the Man Was

Well Known.

## GENERAL MILES COMING MILLS TO CLOSE DOWN.

Colorado.

## IS NOW ASSURED

(Special to The Herald.) Rexburg, Ida., Aug. 12.—Rexburg is ableze tonight with bonfires and fireworks. All the afternoon people have been coming here from the drifterent parts of the county to participate in the jollifications over the location of the new sugar factory here. The factory is to be the same size as the one at Idaho Falls and the site was one at Idaho Falls and the site was meeting was held tonight on the main meeting was held tonight on the main meeting was held tonight on the main meeting was no hall in the same w Virginia City, Mont., Aug. 12.—Boys all the provinces of Cuba, there have neeting was held tonight on the main street, because there was no hall in town large enough to accommodate the crowd. Major R. W. Young of Saft Lake City, Mark Austin, Judge C. L. French, Thomas E. Bassett, Professor; Christiansen and Judge Hyrum Ricks nolice of Charles Johnson, aged 20, and Alice Roeper, aged 26, on a charge of addressed the meeting. The two operations in town were gaily decorated and grand balls were given there to the people who have come here. It is estimated that fully 6,000 persons are in Rexburg from the surrounding settlements. The location for the factory is ments. The location for the factory is three miles north-east of the town.

## ATTEMPTED LYNCHING.

Officers.

Outcome of the Strike of Miners in

Will Arrive in Salt Lake

Today.

Denver, Colo., Aug. 12.—General Neison A. Miles and party, en route to San Francisco, arrived in this city shortly before noon today and were miet at the union station by several thousand people, including many former soldiers. As General Miles stepped off the car his old comrades chered heartily and an impromptu reception was held, on the depot platform.

A reception was given to General Miles this afternoon by the Loyal Legion, and he was also entertained at the Denver club by prominent citizens. He goes west tonigat over the Denver ARio Grande.

General Miles is due to arrive in Salt Lake today. He will be met and entertained at the Denver club by prominent citizens. He goes west tonigat over the Denver dub dudy of the state of the Denver club by prominent citizens. He goes west tonigat over the Denver dub dudy of the state of the Denver club by prominent citizens. He goes west tonigat over the Denver dub dudy of the state of the Denver club by prominent citizens. He goes west tonigat over the Denver dub dudy of the state of the Denver dub dudy of the state of the depot platform.

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Gardens.

Rome, Aug. 12.—The pope this morning left his apartments for the first time since his fainting spell, going for a walk in the vatican gardens. He remained in the open air for about two hours and returned to the palace feeling much better. All that remains of yesterday's collapse is a slight feeling of lightness in the head.

Georgetown, Colo., Aug. 12.—Judge Owers today suspended Horace G. Thurman as district attorney in the First judicial district from further ser-

pended by Judge Owens at

Georgetown.

## LYNCHERS CONDEMNED.

Reply to John Temple Graves by

## IN THE DEVIL'S BASIN.

Escaped Convicts Prepared to Fight to the Death.

Sacramento, Cal., Aug. 12.-No re-

## AMERICAN FISHING BOAT FIRED UPON BY CANADIAN CUTTER PETREL

Colorado Springs, Colo., Aug. 12—Gendered Springs, Colorado Spring

## **NEW TRIAL IS** DENIED HAWORTH

Must Suffer Death For Killing Nightwatchman Sandall.

NEW EVIDENCE DISCREDITED

LIFE SENTENCE TO BE ASKED OF BOARD OF PARDONS.

NICK HAWORTH must suffer the extreme penalty of the law for killing Thomas Sandall on the night of March 28, 1899, at Layton, Davis county. The supreme court yesterday afternoon denied him a new trial. Commenting upon the evidence bmitted in argument for a new trial,

the court says: 'Newly discovered evidence which is mpeaching is looked upon with equal distrust as cumulative evidence, and in neither instance should a new trial be granted unless it clearly appears that granted unless it clearly appears that the newly discovered evidence would probably change the result on a re-trial." On those grounds "the judg-ment and order overruling the motion for a new trial is affirmed, and the case is remanded for further proceedings in

ecordance with law."
That means that Haworth is to be arraigned for a second time before Judge Rolapp for sentence. As is the custom in this state, he will be given his preference of death either by shooting or hanging. Inasmuch as he chose the former the first time he was sentenced he will probably decide upon the same fate the second and last time. The date of execution rests entirely with Judge Rolapp. As a condemned prisoner is usually given about six weeks or two months in which to prepare for death, the probabilities are that Haworth will not pay the extreme penalty of the law until about Oct. 1.

The decision of the supreme court in denying the motion for a new trial, which was written by Chief Justice Baskin, reads as follows:

Decision of Supreme Court.

Decision of Supreme Court.

The defendant, after his arrest, made a written confession of the murder with which he was charged, and was convicted of murder in the first degree and sentenced to be shot. On appeal, the judgment was affirmed by this court (24 Utah, 488.) and the case remanded for further proceedings in accordance with law. Afterwards the defendant, under the provisions of subdivision 7, section 4852, revised statutes, 1888, made a motion for a new trial in the court below, on the ground of newly discovered evidence. This motion was overruled and the defendant again appeals. As the sentence of death was aftirmed on the former appeal, the only question for our consideration on the present one is whether the denial of the motion was an abuse of judicial discretion.

A large number of affidavits and counter-affidavits were introduced upon the motion. Most of the newly discovered evidence relied upon by the defendant, and set out in the affidavits introduced by him, is accumulative and the balance is impeaching.

g the order overruling the motion, Citation of Authorities

"As has been repeatedly held by this court a motion for a new trial is addressed to the sound legal discretion of the trial court; and the action of the lardressed to the sound legal discretion of the trial court, and the action of the latter will not be disturbed, except in an instance manifesting a clear and unmistakable abuse of such discretion. This rule is peculiarly applicable to an application based upon the ground of newly discovered evidence, which not only involves an enlarged discretion in the trial court, but has never been looked upon with favor, but rather with distrust, (Hobler vs. Cole, 49 Cal. 250; Arnold vs. Skaggs. 35 Cal. 684.) To entitle the plaintiff to a new trial on this ground it must appear, among other things, that the new evidence be not cumulative merely; that it be such as to render a different verdict reasonably probable upon a retrial; and that the evidence could not, with reasonable diligence, have been discovered and produced at the trial."

Newly discovered evidence which is impeaching is looked upon with equal distrust as cumulative evidence, and in neither instance should a new trial be granted unless it clearly appears that the newly discovered evidence would probably change the result on a retrial. If the newly discovered evidence would probably change the result on a retrial. In the case at bar the newly discovered evidence would probably change the result on a retrial. In the case at bar the newly discovered evidence would probably change the result on a retrial. In the case remanded for further proceedings in accordance with law.

We concur:

M'CARTY, J., BARTCH, J. Crime Haworth Committed.

The brief filed with the supreme court by the attorneys for Haworth gives the following account of the crime for which he will have to pay the extreme

penalty of the law: Thomas Sandall, a nightwatchman at the Farmer's Union store, was murdered on the night of March 28, 1899, at Layton, Davis county, Utah. As shown by the evidence of William Flint, a shot was heard at Layton about midnight of March 28, 1899. All the evidence goes to show that the crime was committed at about mid-night, and that was the claim of the

entire military company in check.

The failure of the posses to report to Sheriffs Bosquit and Norman is accounted for by the fact that the pursuers are now far away from any The bolt, however, was in place the next morning. The coal chute led into the cellar, and the door from the cellar into the store proper. Mr. Ellison swears this door from the cellar was found locked in the morning.

Searching Parties Organized. A searching party was organized on the morning of March 29, and various articles belonging to Sandall and also an old sock were found. An iron bar was found in the well near the store that was found in the well near the store that morning. It was generally known in Layton that such a bar was found and the fact of its being found was published in The Salt Lake Herald the next morning. The defendant was also told

the iron bar. In April, 1899, an old overcoat was found in a field near Layton, also some shells, and a shot gun and Sandall's pistol were found in a haystack near Layton in September of that year. The state attempted to prove that this coat had belonged to, or at least prior to the murder, had been worn by defendant, James Harrop, an exleputy sheriff, testified that on one oc-